

## REMARKS

Applicant respectfully traverses and requests reconsideration.

Applicant wishes to thank the Examiner for the comments in the office action.

Claims 18-19 and 24-28 stand rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. In the “Response to Arguments” section of the office action, it is alleged that the claims, although being directed to a network element and specific structure, apparently just claim “software per se”. The office action alleges that Applicant’s reference to software modules in the Specification refer to software per se. Applicant respectfully traverses and believes that the office action fails to take into account the actual language in the Specification as well as the understanding of one of ordinary skill in the art. One of ordinary skill in the art would recognize that a network element, for example, with respect to claim 18, that decrypts, encrypts and performs the other functions cannot be software per se. In addition, the cited portions in the Specification, such as paragraph 19 and others that refer to software modules when read in context, refer to software modules that are executed by, for example, one or more processors in the network element and one of ordinary skill in the art would recognize that the “software modules” must be in some type of storage medium in order for the sentences to make sense. In any event, Applicant has amended the claims to expedite prosecution and has indicated that the network element, for example, may include one or more processing devices that are operative to perform the operations and as noted by the office action, wherein the processing devices can be any suitable hardware or any suitable combination of hardware (e.g., processing device and memory) that executes instructions, or any other suitable structure. Applicant also notes that the Examiner’s reference to the IEEE document referring to a processor as allegedly software per se, is inconsistent with Applicant’s Specification and inconsistent with

how one of ordinary skill in the art would interpret Applicant's claims in view of the Specification and the art. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claims 1, 3-8, 10, 15, 17-20, 22-24 and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Pearlman et al.. In the "Response to Arguments" section, as to claim 1, for example, the office action states that the limitations do not prohibit encrypting of a decrypted secret key for at least one intended recipient using a corresponding public key to be specific to anyone else other than the recipient. This statement was made recognizing that Pearlman does not teach utilizing a recipient specific secure secret key but instead teaches encrypting a message key "with group secret key 314". As such, Pearlman teaches reencrypting a decrypted secret key using a group secret key. A group secret key is the same secret key for multiple recipients. Applicant has amended the claims to include inherent language. Applicant claims a different operation from Pearlman. Applicant claims encrypting a secret key using a corresponding public key specific to the intended recipient to produce at least one recipient specific secure secret key as required by the claim. Pearlman will produce group specific keys so that no recipient specific public key or secret key is used – instead multiple parties of the group use the same key. In contrast, Applicant claims using public keys that are specific to a single recipient. Since the cited reference does not teach the claimed subject matter, Applicant respectfully submits that the independent claims are in condition for allowance and that the dependent claims are allowable as adding additional novel and non-obvious subject matter and also as at least depending upon allowable base claims.

Claims 2, 9, 12-13, 16, 21, 25-26 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pearlman. Applicant respectfully submits that these claims are also allowable

as at least depending upon an allowable base claim and also as adding additional novel and non-obvious subject matter.

Claims 11 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pearlman in view of Chen. Applicant respectfully reasserts the relevant remarks made above with respect to Pearlman and as such, these claims are also in condition for allowance.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Pearlman in view of Bouchard et al. Applicant respectfully reasserts the relevant remarks made above with respect to Pearlman and as such, this claim is also in condition for allowance. This claim also adds additional novel and non-obvious subject matter.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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